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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,656	12/28/2000	Fabrice Della Mea	Q62485	8724
7590	02/23/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC Suite 800 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/749,656	DELLA MEA, FABRICE	
	Examiner	Art Unit	
	Sharad Rampuria	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10/14/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19, 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 20-21 is/are allowed.
- 6) Claim(s) 1-19, 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claims 20-21 are allowed as in previous office action.

Claim Objections

Claims 9 and 12 objected to because of the following informalities: Number 30 in claim 9 and number 5 in claim 12 should be remove respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13-14, 16-17, 19 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. [US 5991642] (hereinafter Watanabe) in view of Oestreich [US 6349197] (hereinafter Oestreich).

As per claims 1, 13, 19 and 22, Watanabe teaches:

A method of establishing a mode for a mobile station to mobile station and cell to cell call in a cellular mobile telephone system. (Col.4; 35-47 and Col.8; 41-53) which method includes a step of selecting a common coding mode (assign speech coding scheme B...to both

mobile stations; Col.10; 20-34) for each mobile station and the selection of a common coding mode takes account of the traffic load in at least one cell. (selects a traffic channel... speech coding scheme B; Col.10; 34-49)

Watanabe does not specifically teach a tandem free operation mode. However, the applicant of present application (Della Mea) admitted in Background section of the invention "establishing TFO mode generally...each mobile...concerned". (Pg.1; 0011) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a tandem free operation mode in order to optimize the quality of service.

Additionally, Watanabe does not specifically teach a tandem free operation mode. However, Oestreich teaches in an analogous art, that a method of establishing the tandem free operation mode for a mobile station to mobile station (TFO; Col.2; 47-57 and Col.4; 36-44) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a method of establishing the tandem free operation mode for a mobile station to mobile station in order to provide the variable transmission conditions with respect to the speech coding/decoding method.

As per claims 2-5, Watanabe teaches:

A method according to claim 1, wherein said common coding mode is selected on the basis of lists of coding modes supported by each mobile station and if the corresponding mobile station is in a busy cell the list of supported coding modes is shortened to eliminate there from the coding modes that consume the most resources. (Table 80; Col.4; 48-57, Col.8; 54-67 and Col.10; 20-49)

As per claims 6-8, Watanabe teaches:

A method according to claim 2, wherein coding modes for each mobile station are initially selected independently of each other, the method further determines if the coding modes initially selected for each mobile station are identical, and: if they are identical, the corresponding coding mode constitutes said common coding mode, if they are not identical, said common coding mode is selected on the basis of said lists of supported coding modes for each mobile station. (Table 80; Col.4; 48-57, Col.8; 54-67 and Col.10; 20-49)

As per claim 9, Watanabe teaches all the particulars of the claim except system is GSM. However, Oestreich teaches in an analogous art, that A method according to claim 1, wherein said system is GSM. (GSM; Col.3; 66-Col.4; 5) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include system is GSM in order to provide the particular system with respect to the speech coding/decoding method.

As per claim 14, Watanabe teaches all the particulars of the claim except a transcoder of each mobile station. However, Oestreich teaches in an analogous art, that A method according to claim 1, wherein a common coding mode is selected for a transcoder of each mobile station. (Col.4; 61-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a transcoder of each mobile station in order to provides a mobile communication system that can dynamically adaptation of a communication mode in the individual mobile station.

As per claims 16-17, Watanabe teaches:

A method according to claim 2, wherein the list of supporting coding modes is shortened to HR mode if the coding mode initially selected for a mobile station is HR mode and the corresponding cell is busy. (Table 80; Col.4; 48-57, Col.8; 54-67 and Col.10; 20-49)

Claims 10-12, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe and Oestreich further in view of Mayer [US 2003/0195011] (hereinafter Mayer).

As per claims 10-12, 15, 18 the above combination teaches all the particulars of the claim except half-rate/full-rate mode. However, Mayer teaches in an analogous art, that a method according to claim 1, wherein one of said coding modes consuming the most resources is half-rate/full-rate mode. (pg.1; 0007) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include half-rate/full-rate mode in order to provide a method of transmitting data in GSM system.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Friman et al. teaches a solution by means of which the telecommunication channel between the base station system and the mobile services switching center can be changed in an easier and more resource-saving manner. (Col.5; 58-Col.6; 10)

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Yahagi teaches a mobile communication system, when a request for connection of a call is received, an exchange determines a coding rule or rules to be used by the two mobile stations to be connected. (Col.3; 58-Col.4; 13)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (8-5:30) alternate Fri. (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2683

16 February 2005


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